



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA22313-1450
www.uspto.gov

HELEN C LOCKHART
WOLF GREENFIELD & SACKS
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON MA 02210-2211

COPY MAILED

SEP 10 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of
Erich Wanker et al.
Application No. 09/485,005
Filed: September 11, 2000
Attorney Docket No. V0179/7001

This is a decision on the petition filed August 6, 2007 under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

The above-referenced application was held abandoned on March 13, 2007, for failure to file a timely response to the non-Final Office Action mailed December 11, 2006, which set a three (3)-month statutory period for reply. Accordingly, a Notice of Abandonment was mailed July 24, 2007.

Petitioner contends that a response to the December 11, 2006 non-Final Office Action was timely filed on May 1, 2007 and points to copies of the response with a certificate of mail dated May 1, 2007 and a postcard receipt date stamped on May 4, 2007 by the USPTO. Unfortunately, neither has been located with the instant petition.

Perhaps the papers were included with the petition and became separated but until such time as sufficient proof of a timely response (including any appropriate extensions of time previously filed) having been filed, the holding of abandonment will not be withdrawn and the notice of abandonment will not be vacated.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions